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November 11, 2016

**Via ECFS**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

***Re: WC Docket Nos. 16-143, 15-247, 05-25, RM-10593***

Dear Ms. Dortch:

On November 10, 2016, Joan Marsh, Frank Simone, Keith Krom and the undersigned, all of AT&T, met with Travis Litman, Senior Legal Advisor to Commissioner Jessica Rosenworcel. We discussed the status and timing of the Business Data Services (“BDS”) item and reiterated AT&T’s objection to the indiscriminate application of price cap regulation to all DS1/DS3 transport services nationwide, as indicated by Chairman Wheeler’s Fact Sheet.<sup>1</sup> This is especially troubling because the FCC’s own expert, Professor Marc Rysman, did not separately examine transport market competitiveness, stating that his “approach of aggregating to the level of the circuit rules out separate analysis of the transport market,” and that he “focus[ed] only on the market for circuits provided to customers (sometimes called the channel termination market), although the transport market may also be interesting to study.”<sup>2</sup> In addition, we reiterated the points made in AT&T’s two recent ex parte filings on this subject.<sup>3</sup>

Pursuant to section 1.1206 of the Commission’s rules, this ex parte notification is being filed electronically for inclusion in the record of the above-referenced proceeding. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,  
/s/ Caroline Van Wie

cc: Travis Litman

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<sup>1</sup> FCC, Fact Sheet, Chairman Wheeler’s Proposal To Promote Fairness, Competition, And Investment In The Business Data Services Market (Oct. 7, 2016) (“Fact Sheet”).

<sup>2</sup> Tariff Investigation Order and Further Notice of Proposed Rulemaking, Business Data Services in an Internet Protocol Environment; Investigation of Certain Price Cap Local Exchange Carrier Business Data Services Tariff Pricing Plans; Special Access Rates for Price Cap Local Exchange Carriers; AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, WC Docket Nos. 16-143, 15-247, 05-25, RM-1059 (rel. May 2, 2016), Appendix B at 6.

<sup>3</sup> Letter from James P. Young (AT&T) to Marlene H. Dortch (FCC) (Oct. 25, 2016); Letter from Keith Krom (AT&T) to Marlene H. Dortch (FCC) (Nov. 10, 2016).